GROUND ZERO NEWS OCT. 95

Amendment 2 Test October 10th

Decision May Be Months Coming

THE CASE--A Summary

[prepared by Pat Steadman COLORADO LEGAL INITIATIVE PROJECT]

On October 10, 1995, the United States Supreme Court will hear oral argument in the case of "Amendment 2," the anti-gay ballot initiative passed by Colorado voters in 1992. The case is Romer v. Evans, No. 94-1039. The Colorado Supreme Court upheld a lower court ruling that Amendment 2 is unconstitutional. The state supreme court declared that it was a violation of the equal protection clause of the 14th Amendment to the U.S. Constitution. Amendment 2 has been enjoined from being enforced since January 15, 1993, the day it was scheduled to have gone into effect. U.S. Supreme Court review of state court decisions is optional.

Amendment 2 is an amendment to Article II of the Colorado Constitution, which is the state's bill of rights. It was adopted by a 53.4% majority of Colorado voters in November, 1992. It reads as follows:

No Protected Status Based on Homosexual, Lesbian or Bisexual Orientation.

Neither the State of Colorado, through any of its branches or departments, nor any of its agencies, political subdivisions, municipalities or school districts, shall enact, adopt or enforce any statute, regulation, ordinance or policy whereby homosexual, lesbian or bisexual orientation, conduct, practices or relationships shall constitute or otherwise be the basis of, or entitle any person or class of persons to have or claim any minority status, quota preferences, protected status or claim of discrimination. This Section of the Constitution shall be in all respects self-executing.

The amendment deprives all branches and levels of government of the power to remedy any claim of discrimination based on homosexual, lesbian or bisexual orientation.

This amendment changes the state's basic charter to authorize discrimination against lesbians, gay men and bisexuals and immunize this discrimination from redress at any level of government. Amendment 2 repeals portions of local and state laws that prohibit discrimination on the basis of sexual orientation — such as fair housing and fair employment ordinances in Denver, Boulder, Aspen and other cities; Colorado insurance code provisions that prohibit discrimination in underwriting practices; and Governor Roy Romer's executive order that prohibits discrimination in state employment. Amendment 2 also makes it impossible for there to be any government response to existing or future discrimination that lesbians or gays may encounter.

The plaintiffs in Romer v. Evans are lesbians and gay men who have sought legislation or government policies that protect them from discrimination. For example, several of the plaintiffs are government employees who have worked for, and often secured, anti-discrimination policies in their agency. The cities of Denver, Boulder and Aspen and the Boulder Valley School District are also plaintiffs. Named as defendants are Governor Romer and the State of Colorado.

The Colorado courts ruled that Amendment 2 violates a fundamental right of an independently identifiable class of persons to participate in the political process. Therefore, the courts subjected the amendment to what is known as "strict judicial scrutiny." The courts ruled Amendment 2 unconstitutional because it did not serve any compelling state interest.

The Colorado Supreme Court relied upon previous U.S. Supreme Court precedents that overturned citizen initiatives intended to stop civil rights progress. Chief among these was a 1969 case, Hunter v. Erickson, that overturned an amendment to the Akron, Ohio city charter which invalidated local fair housing laws and required that any future attempt to enact such laws be placed on the ballot for voter approval. Because Amendment 2 specially targets gays and lesbians and excludes them from protection while preventing them from doing anything about it, they are "fenced out"of the political process, according to the Colorado Supreme Court. One of the officials of Colorado for Family Values, the group that sponsored Amendment 2, testified that the purpose of the amendment was "simply to close the lid on the entire issue of [civil rights for gays] here in Colorado."

The question that the State of Colorado presented to the U.S. Supreme Court in its petition for review is:
Whether a popularly enacted state constitutional amendment precluding special state or local legal protections for homosexuals and bisexuals violates a fundamental right of independently identifiable, yet non-suspect, classes to seek such special protections.

The issues presented to the Court in this appeal go beyond the specific legal status of gays and lesbians. Complex issues of equal protection theory could take center stage in the Court"s opinion of Amendment 2. In addition to defending the Colorado Supreme Court decision, the plaintiffs will argue that Amendment 2 violates equal protection because it is not rationally related to a legitimate state purpose.

Dozens of amicus curiae, or "friend of the court"briefs have been filed by various interest groups on both sides of the case. Notably absent from this list is the Clinton administration's Department of Justice. A ruling is expected sometime before June, 1996. Legal observers are predicting a sharply divided Court. The ruling could affirm or reverse the decision of the Colorado Supreme Court in whole or in part. It is possible that the case will be sent back to the Colorado state courts with instructions for further proceedings.

Amendment 2 Timeline

Fall 1990 Meetings are held to discuss an anti-discrimination ordinance for Colorado Springs. Documented evidence of discrimination based on sexual orientation in housing, employment and public accommodation is presented to the Colorado Civil Rights Commission.

October 1990 Denver City Council adopts Human Rights Ordinance banning discrimination in employment, housing and public accommodation. Included is a prohibition against discrimination based on sexual orientation.

March 1991 Kevin Tebedo and Tony Marco establish Colorado for Family Values to fight a proposed anti-discrimination ordinance for Colorado Springs. They circulate drafts of a proposed constitutional amendment to forbid passage or enforcement of gay-rights laws in Colorado.

July 31, 1991 Colorado for Family Values files the proposed ballot initiative and starts gathering signatures.

March 20, 1992 Colorado for Family Values delivers petitions with 85,000 signatures to the state. Secretary of State Meyer rules there were enough valid signatures to put the initiative on the ballot. Because of its position on the ballot, the anti-gay amendment becomes known as Amendment 2.

Nov. 3, 1992 On election day, Amendment 2 passes with 53.4 percent of the vote.

Nov. 12, 1992 Legal team opposing Amendment 2 files complaint, Evans et al. v. Romer, in District Court, claiming the amendment is unconstitutional. The legal team, coordinated by Patrick Steadman and other members of CLIP, Colorado Legal Initiatives Project, includes David Miller, staff attorney for the ACLU of Colorado; attorneys from the national ACLU Lesbian and Gay Rights Project, Lambda Legal Defense and Education Fund, the cities of Denver, Boulder and Aspen; Jeanne Winer; lead attorney Jean Dubofsky; and Greg Eurich, an ACLU of Colorado cooperating attorney in practice at Holland & Hart.

Dec. 23, 1992 Legal team opposing Amendment 2 files motion for an injunction in District Court.

Jan. 15, 1993 District Court Judge Jeffrey Bayless grants the injunction. He believes the Amendment is likely to be ruled unconstitutional on the basis of the Equal Protection Clause of the Fourteenth Amendment. Injunction keeps the Amendment from being enforced until a trial on its merits is held. Bayless holds the State to the standard of "strict scrutiny" because the Amendment concerns a fundamental constitutional right.

Jan. 19, 1993 State Attorney General's Office appeals the Bayless decision granting the injunction to the Colorado Supreme Court.

July 19, 1993 Colorado Supreme Court upholds the injunction 6-to-1. In the affirming decision, the Court states that equal participation in the political process is a fundamental right and that this Amendment "fences out" an identifiable group of people from participating.

Sept. 17, 1993 State Attorney General's Office appeals to U.S. Supreme Court.

Oct. 12, 1993 Evans et al. v. Romer trial on the merits begins before Judge Bayless.

Oct. 22, 1993 Trial before Judge Bayless ends.

Nov. 1, 1993 U.S. Supreme Court refuses to hear State's appeal filed Sept. 17 at this stage of the case.

Dec. 14, 1993 Judge Bayless rules that Amendment 2 is unconstitutional and that since equal participation in the political process is a fundamental right, it cannot be put to a vote of the people.

May 9, 1994 Colorado Attorney General's Office submits the Opening Brief in its appeal to Colorado Supreme Court challenging Judge Bayless' decision.

June 30, 1994 Colorado Supreme Court hears oral arguments.

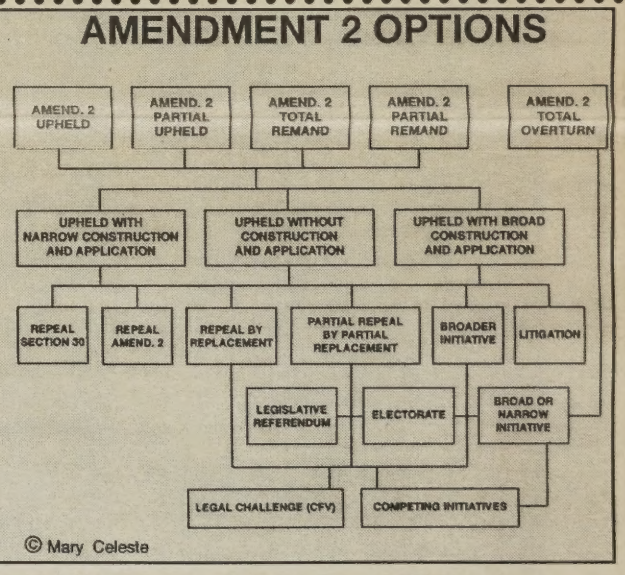
October 11, 1994 In a 6-to-1 decision, Colorado Supreme Court affirms lower court's ruling that Amendment 2 is unconstitutional.

December 1994 Colorado Attorney General's Office appeals to the U.S. Supreme Court.

February 21, 1995 U.S. Supreme Court decides to hear the Amendment 2 case.

October 10, 1995 U.S. Supreme Court hears oral argument at 10:00 a.m.

The Supremes have many options open to them in reaching a decision as clearly shown in Mary Celeste of CLIP's diagram (right). Kathy Deitsch writing in the August 23rd issue of *Out Front* reduced this diagram to the verbal discriptions below. GZ Editor



Upheld: CFV wins! Valid and in effect, overturns Colorado Court decisions
A-2 Partial Upheld: Parts OK, provisional.
Total Remand: Sent back to the Colorado court for clarification, probably with instruction.
Partial Remand: Supreme Court makes some determinations; parts sent back to the Colorado Court for clarification.
NOTE. Any of the last three options (above) would muddy the water and nobody wins.
Total Overturn: We win! Reverses voters will; affirms Colorado court decisions.

HOW IT GOES INTO EFFECT
Upheld with Narrow Construction and Application: Existing ordinances may stay in effect; court might prohibit future protections.
Upheld Without Construction and Application: No elaboration, a middle ground, limbo. Potential for further litigation.
Upheld With Broad Construction and Application: Unsure circumstances. Potential for further litigation.
NOTE.- Construction means with the court's interpretation.

OPTIONS FOR FUTURE POLITICAL ACTION
Repeal Section 30: Would abolish both English Only and A-2 by vote of the people.
Repeal A-2: Abolish Amendment 2 (only) by a vote of the people.
Repeal by Replacement: Attempt to abolish with substitute or inconsistent language.
Partial Repeal by Partial Replacement: Pluck out portions and add piecemeal protections, e.g. hate crimes, employment etc.
Broader Initiative: Broad civil rights initiative which has sexual orientation included.
Litigation: Challenge or contest in court (this would be an attractive option if A-2 were upheld without construction and application or with broad construction and application).
Note: Do nothing is another option.
Legislative Referendum: Referring a measure passed by the legislature to the voters for their approval or rejection.
Electorate: Replace current lawmakers with those more favorable.
Competing Initiatives: Opposing issues could appear on the same ballot, in which case the most votes win to the extend the language is inconsistent.

U.S. SUPREME COURT TO HEAR AME

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On November 3, 1992, Colorado voters
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Article II (the state's Bill of Rights)
reads:

NO PROTECTED STATUS BASE
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AMENDMENT 2
Why should 96 words cause such a stir??

When a law is passed that challenges our nation's fundamental principles, our system of government is tested. At its roots, the debate over Amendment 2 is one that has defined our national character since 1776. How does a democratic system of government respond to the will of the majority while safeguarding the rights of the minority?

For most Americans, enjoying civil liberties is as natural and as unsolicited as breathing: speaking your mind, associating with friends, and worshipping as you choose are some of the political privileges we often take for granted. But when your views are unpopular, your friends despised, or your religion misunderstood, the laws allowing you to exercise these civil rights suddenly become more important. Amendment 2 is one example of when the democratically expressed "will of the people" collides with the checks and balances of our constitutional system—a system in which the civil rights of any citizen cannot easily be restricted or taken away, even by a majority of voters.

CIVIL RIGHTS/CIVIL WRONGS
The Importance Of Civil Liberties

Not all Americans enjoy the freedoms of our nation. At one time "all men are created equal" did not include African-Americans and women. Slavery was legal in colonial America and the U.S. Constitution specifically denied blacks their equality, citizenship, and rights. And women had to wait until 1920 before they gained the right to vote.

Despite these injustices, the founders of our country were concerned about human rights and civil liberties, so much so, that they delayed approving the U.S. Constitution until a Bill of Rights (the first ten amendments) was added. The Bill of Rights defines fundamental civil rights guaranteed to all citizens.

The American experience with slavery and decades of official racial segregation fueled the modern-day civil rights movement, which began in the late 1940s. This movement focused on eradicating racial discrimination and legal barriers preventing people of color from exercising their fundamental rights. The 1964 and 1968 Civil Rights Acts are major achievements of the civil rights movement.

The desire for freedom and equality is alive in other movements working to remove discriminatory barriers: The women's rights movement of the 1970s (which added "sex" to the 1964 Civil Rights Act); the disability rights movement of the 1980s (which produced the 1991 Americans with Disabilities Act); and the current lesbian and gay rights movement.

WHAT ARE CIVIL RIGHTS?

Civil Rights are fundamental rights guaranteed by the Constitution of the United States, state constitutions, and other laws. The U.S. Constitution is the supreme law of the land and its civil rights protections cannot be violated without a legitimate reason. It is unconstitutional for any state to pass laws interfering with the exercise of these rights.

WHAT IS DISCRIMINATION?

The American principle of "life, liberty, and the pursuit of happiness" holds that people should have an equal opportunity to live, compete, and succeed based on their individual abilities, without being held back by irrelevant personal traits. For many reasons, our society has yet to completely live up to that ideal. Civil rights laws protect citizens against unfair and unequal treatment in the basic necessities of life (employment, housing, and public accommodations) when that treatment is based solely on irrelevant traits. Some protected characteristics, like race and gender, are immutable (incapable of being changed). Others, like religion and political affiliation, are chosen and can be changed.

WHAT CATEGORIES ARE PROTECTED BY ANTI-DISCRIMINATION LAWS?

Federal civil rights laws identify seven categories that are protected nationally from discrimination: race, sex, national origin, religion, age, disability, and veteran's status. The 1964 Civil Rights Act prohibits discrimination in employment and public accommodations (lodging, restaurants, medical facilities, and other public services). The 1968 Civil Rights Act extends these guarantees to housing and real estate.

IF FEDERAL LAW PROHIBITS DISCRIMINATION, WHY ARE STATE AND LOCAL ORDINANCES NEEDED:

While similar to federal civil rights laws, state and local anti-discrimination ordinances often include other categories not protected at the national level (marital status, political affiliation, and sexual orientation, for example) to address the needs of their communities. Many of the categories protected by federal laws were first protected by cities, states, and other government agencies.

DO ANTI-DISCRIMINATION LAWS PROTECT ONLY PEOPLE OF COLOR?

NO. Anti-discrimination protections are for *all* citizens. Because racial minorities have been the main targets of discrimination does not mean that civil rights protections are for people of color only. The category of "race" protects whites as well as people of color, just as the category of "sexual orientation" protects heterosexuals as well as homosexuals.

ARE CIVIL RIGHTS PROTECTIONS ONLY FOR PEOPLE WHO ARE ECONOMICALLY DISADVANTAGED?

NO. Civil rights protections are *not* based on economic status and do not stop once someone reaches a certain income level. Being denied a job, an apartment, or public services because of your sex, race, religion, age, or other irrelevant traits can happen to your whether you are rich or poor.

WHAT IS AFFIRMATIVE ACTION?

Affirmative action programs aim to provide increased employment opportunities for women and people of color in order to overcome past patterns of discrimination. Affirmative action is a temporary remedy, *not a right*. **There have *never* been affirmative action programs for sexual orientation or for any protected categories other than gender and race.**

DON'T ANTI-DISCRIMINATION LAWS AUTOMATICALLY LEAD TO QUOTAS?

No. Hiring quotas were declared unconstitutional in 1978 by the United States Supreme Court.

DO ANTI-DISCRIMINATION LAWS RESTRICT AN EMPLOYER';S ABILITY TO MANAGE THEIR EMPLOYEES?

No. An employer has every right to dismiss an employee who is not doing his or her job.

AMENDMENT 2:
The Basics

WHAT STATE AND LOCAL LAWS ARE INVALIDATED BY AMENDMENT 2?

The cities of Aspen, Boulder, Crested Butte, Denver, and Telluride have ordinances prohibiting discrimination in employment, housing, and public accommodations based on sexual orientation. A governor's executive order protects employees in state government. A state law prohibits sexual orientation discrimination in health insurance coverage. And three state universities and one school district include sexual orientation in their anti-discrimination policies. Under Amendment 2, all of these laws and policies will be invalid for anyone who isn't heterosexual.

WHAT IS SEXUAL ORIENTATION?

Everyone has a sexual orientation; it's basic to human sexuality. Generally, psychologist define sexual orientation as one or more of the following:

* a physical attraction to and desire to share sexual intimacy with partners of a particular gender
* an emotional attraction to and desire to share emotional intimacy with partners of a particular gender
* personally identifying oneself as a heterosexual, lesbian, bisexual, or gay
* establishing a public identity based on sexual orientation
* identifying with a community defined by its sexual orientation.

ITS ABOUT PEOPLE
by Rick Cendo

Denver, CO, Sept. 18, 1995 -- When Amy and her partner Kerri tried to take an umbrella into a concert at Red Rocks Park,west of Denver, last month, Amy was physically harassed and arrested by a police officer who told Amy "she could kick her little lesbian ass." Physically hurt, kept handcuffed in a holding cell against standard procedure, and refused requests to go to the bathroom, Amy was later offered medical help by a sympathetic police officer. The offer was withdrawn, however, after the attending Emergency Medical Technician was apparently told Amy is lesbian and immediately stated "I'm not going to touch her."

Amy's is one of many stories of anti-gay harassment that have taken place in Colorado since the U.S. Supreme Court revived the issue of Amendment 2 earlier this year. Although Amendment 2 was effectively struck down by the Colorado Supreme Court in 1993, the U.S. Supreme Court opened the possibility that Amendment 2 may eventually take effect when it agreed to hear an appeal of the Colorado Supreme Court decision.

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Discussion of Amendment 2 appea
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"Many people see Amendment 2
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ENDMENT 2 ARGUMENTS OCTOBER 10TH

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AMENDMENT 2 DO?

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**10th, those of you who
Colordo Springs will
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El Paso County's
nial Hall on the
of Cascade and
rmijo at 7pm.
Show your
concern!
Attend!**

**See
Story
P. 3**

WHAT DOES "MINORITY STATUS" MEAN?

"Minority status" is a term with no clear legal meaning. Supporters of Amendment 2 use it to suggest that civil rights laws give privileges to minority groups. This is not true.

WHAT IS A "PROTECTED STATUS"?

"Protected status" is a legal term given to a group that has been the target of a pattern of discrimination. Race, gender, and religion are three examples of protected status. Supporters of Amendment 2 use "protected status" to suggest that lesbians, bisexuals, and gay men would receive benefits denied to others. This is not true.

WHAT ARE "QUOTA PREFERENCES?"

Under very specific and strict legal circumstances, numerical guidelines may be set to correct a pattern of under-representation of a certain group at a particular work place (such as the number of women on a police force). Quota preferences have *only* been used for the protected categories of race, gender, and age - never for sexual orientation.

WHAT IS A "CLAIM OF DISCRIMINATION"?

A claim of discrimination is a legal action in which a person claims to have suffered unfair and unequal treatment because of his or her membership in a protected class or group. Amendment 2 prohibits all branches of Colorado government (including its courts) from responding to claims of discrimination by lesbians, bisexuals, or gay men.

HAVE HOMOSEXUALS REALLY BEEN DISCRIMINATED AGAINST BECAUSE OF THEIR SEXUAL ORIENTATION?

Yes. Lesbians, bisexuals, and gay men (as well as heterosexuals who are perceived to be homosexual or bisexual) face job discrimination, on-the-job harassment, denial of housing, and lack of access to public accommodations solely because of their sexual orientation. Many try to avoid discrimination (as well as harassment, intimidation, and assault) by hiding their sexual orientation (remaining "in the closet") or pretending to be straight. Because Amendment 2 removes legal remedies for lesbians, bisexuals, and gay men, Amendment 2 permits open discrimination against them.

BUT DON'T HOMOSEXUALS ALREADY HAVE THE SAME RIGHTS AS EVERYBODY ELSE?

No. If they did, anti-discrimination laws wouldn't be needed. Amendment 2 creates *unequal* rights by leaving existing protections for *heterosexuals* in place while specifically removing them for lesbians, bisexuals, and gay men.

WHAT IS MEANT BY "SPECIAL RIGHTS"?

The phrase "special rights" is used by supporters of Amendment 2 to imply that anti-discrimination laws give minorities additional rights over and above those of the majority. This is not true. Anti-discrimination laws guarantee fair and equal treatment for all citizens. "Special rights" does *not* appear in Amendment 2 and has no agreed upon legal meaning. **There is nothing "special" about *equal* rights.**

ARE HOMOSEXUALS ASKING FOR SPECIAL TREATMENT?

No. Lesbians, bisexuals, and gay men want to be treated *equally*. Anti-discrimination laws protecting sexual orientation state that *no one* (whether they are heterosexual, bisexual or homosexual) should lose his or her job, should be evicted from an apartment, or should be refused public accommodations because of his or her sexual orientation. **That's *equal*, not special treatment.**

OUR CONSTITUTIONAL SAFEGUARD:

A Separation of Power

Who rules? Is the "will of the people" the final say in our democracy? If the power to govern ourselves rests with "We the People," then why all the fuss over Amendment 2?

In a pure democracy, the majority rules all the time. Our nation, however, is a constitutional democracy. The basic freedoms and structure of our government are found in the U.S. Constitution which places limits on what the majority (and their representatives) can and cannot do.

The Constitution separates power into three governmental branches - executive, legislative, and judicial - that monitor and control each other. This system of "checks and balances" keeps each branch from abusing its power. The legislative branch creates laws. The executive branch sets policy and administers laws. The judicial branch makes sure that the legislative and executive branches act within the guidelines of the Constitution.

Citizen ballot initiatives are a right granted to the voters by the state. Laws passed by citizen initiative can be reviewed by the judicial branch to see that they comply with the federal constitution. If they do not, the courts have the power to rule them unconstitutional and prevent them from being enforced.

WHY ARE THE COURTS INVOLVED WITH AMENDMENT2? AREN'T THEY MEDDLING WITH THE WILL OF THE PEOPLE?

The courts act only in response to a claim of harm or damage by a citizen. The lawsuit against Amendment 2 was filed by a group of individuals fearing personal harm if Amendment 2 is enforced. Their claims are based on rights guaranteed by the U.S. Constitution. The courts are empowered to determine whether Amendment 2, a citizen initiative, violates the U.S. Constitution.

WHO IS CHALLENGING AMENDMENT 2?

The plaintiffs challenging the constitutionality of Amendment 2 are nine Colorado citizens, the home rule cities of Aspen, Boulder, and Denver, and the Boulder Valley School District. The citizens include a Denver police officer, an ordained minister, and various city and state employees.

WHO IS DEFENDING AMENDMENT 2?

The State of Colorado. As governor, Roy Romer is obliged to defend state constitutional amendments adopted by citizen initiative.

HOW CAN AMENDMENT 2 BE UNCONSTITUTIONAL IF A MAJORITY VOTED FOR IT?

Even laws supported by a majority of the voters can be unjust. For example, if Colorado voters approved citizen initiatives establishing slavery, or denying women the right to vote, those laws would be unconstitutional, no matter how many people voted for them.

HOW DOES AMENDMENT 2 DEPRIVE HOMOSEXUALS OF EQUAL PROTECTION UNDER LAW?

Amendment 2 deprives gay people of a right to participate equally in the political process and, therefore, must be subjected to strict scrutiny—a scrutiny the state concedes the amendment cannot meet. Even under the Court's most lenient level of equal protection scrutiny, Amendment 2 lacks the necessary rational relationship to a legitimate state purpose.

WHAT DID THE COLORADO SUPREME COURT DECIDE?

The Supreme Court ruled Amendment 2 improperly "fences out" a specific group of citizens from full and equal participation in the political process in violation of the 14th Amendment to the United States Constitution. The Court also ruled that the reasons offered by the state to justify Amendment 2 were not compelling.

BUT DOESN'T PREVENTING AMENDMENT 2 FROM TAKING EFFECT UNDERMINE MAJORITY RULE?

On the contrary, the court reaffirmed our basic principles of democracy - majority rule, minority rights, and political debate. Although approved by a majority of state voters, Amendment 2 short-circuits our political process by making it illegal to pass laws protecting lesbians, bisexuals, and gay men from discrimination. Shutting an unpopular minority out of the political system, even if done by majority vote, is unconstitutional, according to the Colorado Supreme Court.

IF AMENDMENT 2 MIGHT BE UNCONSTITUTIONAL, HOW DID IT GET ON THE BALLOT IN THE FIRST PLACE?

Under the Colorado Constitution, citizens may initiate state statutes or constitutional amendments. Colorado courts are not allowed to interfere with the initiative process, even if a proposal might be unconstitutional.

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nination in Denver, Boulder, Aspen, Telluride
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**ears to spark anti-gay violence and discrimi-
ased Anti-Violence Project, each increase of
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nination of gay men and lesbians in Colorado.
2 as putting gays and lesbians 'back in their
o legal protections," said Renee Bannerman,
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any people to act on their hostile emotions.
s arrested, Paul Marshall, 31, and Anthony Clarke, 30, were refused service at Burger King at 1717 W. 38th Avenue in Denver. When the two men attempted to order some french fries, the counter attendant shouted, "There's two fags out here. Who's going to serve them?" The question was followed by similar remarks from the kitchen staff.. No one would serve Marshall and Clarke.**

"My phone rings constantly with similar horror stories from across the state." said Mary Celeste, a Denver lawyer who represents victims of anti-gay discrimination and violence. Celeste said these incidents have risen greatly since voters approved Amendment 2 three years ago. "And these are only the people with the courage and presence of mind to find a lawyer willing to represent them. There are many, many more people who are in the closet or fearful of retribution and who will never call the police, let alone a lawyer."

If Amendment 2 is reinstated by the U.S. Supreme Court, Celeste said, she expects to hear of many, many more cases of anti- gay discrimination and violence. She expects that even a greater number of cases, however, will go unreported.

TITLE STATUS REPORT OF ALL SEXUAL ORIENTATION CASES
2/91 - 9/1/95 DENVER

		1991	1992	1993	1994	1995	TOTAL
OPEN	0	0	0	0	8	8	
SETTLED	5	4	6	3	1	19	
WITHDREW	2	1	0	0	0	3	
DISMISSED	0	2	1	1	1	4	
NO JURISDICTION	5	2	4	0	0	11	
NO PROBABLE CAUSE	9	7	2	6	0	24	
PROBABLE CAUSE	0	0	0	1	0	1	
TOTAL	21	16	13	14	9		
TOTAL FOR ALL YEARS						73	

TOTAL OF ALL SEXUAL ORIENTATION DISCRIMINATION CASES FILED FROM 2/91 - 9/1/95 DENVER

	1991	1992	1993	1994	1995	TOTAL
EMPLOYMENT	14	13	12	12	4	55
HOUSING	7	2	0	0	1	10
PUBLIC ACCOMMODATIONS	0	1	0	2	4	7
PRIVATE EDUCATION	0	0	1	0	0	1
PRIVATE HEATH&WELFARE	0	0	0	0	0	0
TOTAL	21	16	13	14	9	
TOTAL FOR ALL YEARS						73

If Amendment 2 goes into effect, claims of discrimination such as those shown above would no longer be permitted.

The Male Box BBS
Alternative Lifestyles Computer Bulletin Board System
Gay/BI/Lesbian
Matchmaking, HOT Adult chat, Files, Games, Internet & Much more
Modem: 719-637-0532
Telnet & WWW: TMB-BBS.COM
Do you own a modem and don't know how to use it? Call voice 719-570-7994 for help and free windows software.

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Fast, efficient, no-cost delivery.

Let us handle the hassle and allow you to concentrate on other matters.

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DOCTOR REFERRED

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Denver, Colorado 80203
1-800-PWA-DRUG (792-3784)

AMENDMENT 2 CLONES APPEARING ACROSS THE NATION.

While it is generally expected that if the Supreme Court upholds Amendment 2, we will see a veritable gusher of similar initiatives across America, the truth is that the pattern is already being established.

Oregon, that has twice turned down statewide anti-gay initiatives, will now face another. They have also been facing local initiatives in the more conservative districts across the state. Washington State has faced a series of initiatives and is currently facing another and Maine is battling one of their own. Local governments, such as Cincinnati, where an Amendment 2 clone passed with massive financial help from Colorado for Family Values, are also being pressed to pass such legislation.

With the exception of Colorado and Cincinnati, little success has been realized by the Colorado for Family Values replicants across the country. It can be expected, however, that an affirming Supreme Court decision will spur on the radical right.

Certainly, if CFV loses before the Supreme Court, they will try again with a reworded proposal. They have already announced their intentions to do so. Also expected is that if they win, they will try to push the issue further by introducing a more severe initiative, expanding the exclusionary nature of that amendment.

Last year, Idaho turned down their own version of Amendment 2 in what can be described as an upset. Not content to accept the will of the people, Idaho's radical right is offering a new version for the voters. *Ground Zero News* recently received the advisary reprinted below. It is a good example of the various ways that can go to accomplish the same goals.

THEY'RE BACK: IDAHO'S NEW ANTI-GAY INITIATIVE

After losing the Proposition One campaign in 1994, the Idaho Citizens Alliance (ICA) is back pushing another extremist anti-gay measure for the 1996 election. Although the wording has changed, the purpose of the new initiative is the same as Proposition One. The ICA's new initiative is targeted at gays and lesbians, but will take away freedoms that all Idahoans enjoy.

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Section 67-8001. Declaration of Public Policy. By Voting "Yes" on this initiative, We, the People of Idaho, do hereby Enact the

"FAMILY AND CHILD PROTECTION ACT,'

declaring our support for protection of Idaho's families and young children, and prohibiting official government promotion of unlawful homosexual behavior which threatens our families and children, as follows:

Section 67-8002. By voting "Yes" on this initiative, the people of Idaho hereby prohibit official government promotion of homosexual behavior. A government agency, board, commission, council, department, district, institution, or elected or appointed official of the state of Idaho, or of any political subdivision thereof:

(a) Shall not formally declare any individual or group, solely on the basis of homosexual behavior, preference, or orientation, to comprise an officially sanctioned or recognized "minority," or otherwise establish or grant to such individual(s) any special, exclusive, or preferential status, treatment, or classification under law.

(b) Shall not establish, set aside, or reserve exclusively for any individual or group, solely on the basis of homosexual behavior, preferences, or orientation, any number or quota of jobs, scholarships, contracts, grants, or other special rights, privileges, or benefits under law.

(c) Shall not expend tax dollars or other public moneys to fund any official government policy, proclamation, or program for the express purpose of promoting, advocating, endorsing, or encouraging homosexual behavior.

(d) Shall not, in a public school, officially authorize, sanction, or sponsor any statement, communication, expression, or teaching which expressly promotes, advocates, endorses, or encourages homosexual behavior as prohibited by Idaho law; and shall require that any discussion of homosexual behavior therein occur only on an age-appropriate basis as defined by the local school board.

(e) Shall not extend to a homosexual couple or partner the legal status, recognition, benefits, or privileges of the institution of marriage.

Section 67-8003. Effective immediately upon a "YES" vote. A "Yes" vote by a simple majority of those voting on this initiative in the general election held on November 4, 1996, shall be required to enact the "Family and Child Protection Act" into law, which on that date shall be in full force and effect immediately upon such a vote having been cast. Should any portion of this act thereafter be found to be unconstitutional or unenforceable, in whole or in part, all remaining provisions shall remain in full force and effect.

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The ICA's misleading purpose statement appeals to people's fears and emotions about children, but the initiative does nothing to solve the real problems of families or children. Like Proposition 1, it's just another radical right attempt to give government more unnecessary control, and to tell us what to think and how to live.

Section 67-8002 (a) and (b):

These sections violate the constitutional right to equal protection by prohibiting ONLY gay and lesbian citizens from seeking civil rights protections. The ICA is trying to make our government a partner in their anti-gay prejudices.

Section 67-8002 (c) and (d):

These sections violate the First Amendment by mandating that the ICA's biased viewpoints are the only ones that can be expressed in government-sponsored forums and schools. This initiative also imposes censorship in universities and public libraries. (The exemption for libraries found in the 'public funding' section of the initiative was deleted.) Like Proposition 1, this initiative takes away local control over schools and libraries, and interferes with the authority of local governments to manage their own affairs.

Section 67-8002 (e):

A meaningless repetition of existing state law. Idaho already prohibits same sex marriage.